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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,038	11/17/2003	Edward M. Petrie	ABDS-0008	2786
23377	7590	08/19/2004	EXAMINER	
WOODCOCK WASHBURN LLP ONE LIBERTY PLACE, 46TH FLOOR 1650 MARKET STREET PHILADELPHIA, PA 19103			MASINICK, MICHAEL D	
			ART UNIT	PAPER NUMBER
			2125	

DATE MAILED: 08/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/715,038

Applicant(s)

PETRIE ET AL.

Examiner

Michael D Masinick

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>Dec 22, 2003</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: An important part of this claim is the "10 megawatts" notation. Currently, this piece is only established in the preamble, which may not give this limitation full weight. It is important to move this limitation into the body of the claim before allowance in order to fully establish that this is a system meant for small-scale production. Appropriate correction is required.

Claim Rejections - 35 USC § 112

1. The term "approximately" in claims 19, 29, and 41 is a relative term which renders the claim indefinite. The term "approximately" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

2. All dependant claims inherit this problem and are rejected on the same grounds.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 19-21, 26-32, and 37-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,519,509 to Nierlich et al in view of U.S. Patent No. 5,754,033 to Thomson.

5. Referring to claims 19, 29-31, and 41-42, Nierlich shows a method for providing electrical power to a plurality of end-users of electricity from a plurality of electric-power devices, comprising: a communications network; receiving data in a central control center from each of the plurality of end-users, the data representing a demand for electrical power from each of the plurality of end-users ("real-time demand", Column 14, lines 13-34);

6. Nierlich does not specifically shows determining a power output from each of the plurality of electric-power devices necessary to meet an aggregate of the demand for electrical power from each of the plurality of end-users based on the data from each of the plurality of end-users and operating characteristics of each of the plurality of electric-power devices, using only the central control center; and sending commands from the central control center to each of the plurality of electric-power devices to cause the plurality of electric-power devices to generate a combined power output equal to at least the aggregate of the demand for electrical power from each of the plurality of end-users.

7. Thomson shows a Central Control Center for distributed electrical power generation which shows determining a power output from each of the plurality of electric-power devices necessary to meet an aggregate of the demand for electrical power from each of the plurality of end-users based on the data from each of the plurality of end-users and operating characteristics of each of the plurality of electric-power devices, using only the central control center (Column 2, lines 60-67); and sending commands from the central control center to each of the plurality of

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electric-power devices to cause the plurality of electric-power devices to generate a combined power output equal to at least the aggregate of the demand for electrical power from each of the plurality of end-users (This is shown in the full Summary of the Invention section, but specifically in Column 2, lines 60-67).

8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the central control center system and calculations of Thomson along with the user messaging of Nierlich because as the power requirements of small remote communities increase there is an increasing need for means to provide power to such communities via local generating stations which are capable of a high level of autonomous control and self-maintenance, but which may be monitored and controlled, alone or as part of a group, from a remote location (Column 2, lines 13-17 of Thomson – also “distributing load demand optimally among available generators” in column 17). It is well known in the art, and shown in Nierlich, to provide a load shedding service when peak demands for electricity are needed. It is also clearly shown in Thomson that smaller generators and be used together to provide this electricity. Examiner feels that this is an obvious modification of the load shedding system based on individual user demand of Nierlich to rather add more power rather than remove unnecessary loads.

9. Referring to claim 20, Nierlich shows receiving operating data in the central control center from each of the plurality of electric-power devices, and determining a power output from each of the plurality of electric-power devices necessary to meet an aggregate of the demand for electrical power from each of the plurality of end-users based on the operating data (Column 8, lines 5-14).

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10. Referring to claim 21 and 32, Nierlich shows determining a power output from each of the plurality of electric-power devices necessary to optimize the operation of at least one of the electric-power devices (Col. 2, lines 19-31).
11. Referring to claims 26 and 38, Nierlich shows where the plurality of devices are located in separate geographic locations (abstract).
12. Referring to claims 27 and 39, Nierlich shows a wind turbine among other choices.
13. Referring to claims 28 and 40, Nierlich shows an electric power generator (wind turbine).
14. Referring to claim 37, Nierlich shows a plurality of controllers for controlling operation of the plurality of electric-power devices in response to the commands sent to the plurality of electric-power devices by way of the communications network, and a plurality of communications devices for receiving the commands from the communications network and relaying the commands to the plurality of controllers (Column 2, lines 37-67).

Allowable Subject Matter

15. Claims 22-25 and 33-36 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and pending the correction of all outstanding 112 problems and other objections.

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael D Masinick whose telephone number is (703) 305-7738. The examiner can normally be reached on Mon-Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on (703) 308-0538. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MDM



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